



MSAPC ADVISORY CIRCULAR

U.S. ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF AIR AND WASTE MANAGEMENT ●

MOBILE SOURCE AIR POLLUTION CONTROL

A/C NO. 2B

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SUBJECT: Field Fixes Related to Emission Control-Related Components

A. Purpose

The purpose of this Advisory Circular is to advise manufacturers on the issue of how Section 203(a)(3) of the Clean Air Act potentially affects field fixes, and to set forth a procedure by which manufacturers can assure themselves that EPA will not consider a field fix to be a violation of Section 203(a)(3) of the Act. In addition, this circular clarifies whether a manufacturer is required to request EPA approval of a field fix before he implements it and clarifies the force and effect of EPA's approval of a field fix. This Advisory Circular supersedes Advisory Circular No. 2A, same subject, which should be discarded.

B. Definition of Field Fix

In the context of this Advisory Circular, a field fix is defined as: A modification, removal or replacement of an emission-control related component by a manufacturer or dealer, or revision by a manufacturer for implementation by dealers to specifications or maintenance practices for emission-control related components on vehicles that have left the assembly line.

C. Background

1. Section 203(a)(3) of the Clean Air Act provides:

"The following acts and the causing thereof are prohibited--
(3) for any person to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this title prior to its sale and delivery to the ultimate purchaser, or for any manufacturer or dealer knowingly to remove or render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser."

2. Advisory Circular No. 2A was issued to provide a procedure by which manufacturers who wished to make field fixes could assure themselves that EPA will not consider a field fix to be a violation of Section 203(a)(3) of the Act.



3. More recently, several manufacturers have requested clarification in regard to the considerations EPA employs in judging whether a field fix constitutes a violation of Section 203(a)(3), whether a manufacturer is required by EPA to request approval of a field fix before he implements it, and the force and effect of EPA's approval of a field fix.

D. Discussion

1. EPA's primary objective in enforcing the statutory prohibitions of Section 203(a)(3) is to assure unimpaired emission control of motor vehicles throughout their "useful life." In general, EPA considers that a violation of Section 203(a)(3) has taken place when a manufacturer or dealer modifies a vehicle so that the vehicle no longer will meet the applicable emission standards for its "useful life."

2. So that manufacturers who wish to recommend field fixes can assure themselves in advance that EPA will not consider a field fix to constitute a violation of Section 203(a)(3), this Advisory Circular provides a procedure for obtaining EPA approval of field fixes. In general, EPA will treat requests for approval of field fixes in the same manner that running changes are treated in the certification process.

3. EPA does not require that a manufacturer obtain EPA approval of a field fix. Rather, the field fix approval procedure is provided to assist manufacturers who desire to assure themselves that EPA will not consider a field fix to constitute a violation of Section 203(a)(3).

4. An Approval by EPA of a field fix under the provisions of this Advisory Circular does not, in the strict sense, carry the force of law since an Advisory Circular is not a regulation and does not have the force and effect of a regulation. However, such approval does provide to a manufacturer a high degree of assurance of the field fix's compliance with Section 203(a)(3) of the Clean Air Act.

E. Types of Field Fixes

1. A Type A field fix is the incorporation, by a manufacturer or dealer, of a change to a certified vehicle (i.e., a vehicle covered by a certificate of conformity) that is identical in all respects to a running change that is approved for incorporation in new vehicles by the manufacturer. Where the running change was approved by EPA for implementation only in conjunction with certain other running changes, the field fix may be considered to be a Type A field fix only if implemented under the same constraints.

2. A Type B field fix is the incorporation, by a manufacturer or dealer, of a change to a certified vehicle that is not identical in all respects to, but provides for essentially the same purpose as, a running change that is being incorporated in new vehicles by the manufacturer or that would have been incorporated if the vehicle were still in production. A Type B field fix is used when it is not practical to incorporate the exact running change in vehicles that have left the assembly line, or when the vehicles are no longer in production.



3. A Type C field fix is the incorporation, by a manufacturer or dealer, of a change to a certified vehicle which is made selectively only to vehicles which have left the assembly line and which would not have been incorporated on the assembly line.

F. Status of Field Fixes That Have Prior EPA Approval

1. EPA will not consider a manufacturer or dealer to be in violation of Section 203(a)(3) of the Clean Air Act if a Type A field fix is incorporated in vehicles. No separate approval of a Type A field fix will be needed; such approval will be implicit in the approval of the running change.

2. EPA will not consider a manufacturer or dealer to be in violation of Section 203(a)(3) of the Clean Air Act if a Type B or Type C field fix is incorporated in vehicles with prior EPA approval.

3. EPA will consider the vehicle configuration resulting from the incorporation of an approved field fix on a certified vehicle to be a certified vehicle configuration.

4. Manufacturers are responsible for making clear to dealers the dealer's responsibility for performing field fixes in a manner which leaves the vehicle in a certified configuration.

G. Status of Field Fixes Performed Without Prior EPA Approval

In the case of a field fix that had not been previously approved by EPA becoming an issue under Section 203(a)(3), EPA will investigate the matter on its merits, and will arrive at its conclusion on the basis of such data as EPA may generate or may obtain from various sources.

H. Approval Procedures

As noted in Section F.1 above, Type A field fixes require no approval separate from approval of the running change. Requests by manufacturers for approval of Type B or Type C field fixes should be directed in duplicate to the Chief, Certification Branch, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105.

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